


Please replace the paragraphs on page 8, lines 3-9, with the following paragraphs:


 ~~Figs. 26A and 26B show graphs illustrating the results of spectral analysis in the case of using aztreonam (Azactam) as a sample.~~

Figs. 27A and 27B show graphs illustrating the results of spectral analysis in the case of using transplatin as a sample. --

### IN THE CLAIMS


Please cancel claim 2, without prejudice or disclaimer.

Please amend the claims as follows:

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1. (Amended) A method for determining at least one of disease type and condition which comprises analyzing an absorption or emission spectrum in a specific region for cells obtained from a specimen, and determining at least one of the disease type and condition by using as indices the appearance of spectra corresponding to at least two wave numbers obtained by measuring an absorption or emission spectrum of cancer cells, bacteria or virus, which cells, bacteria or virus cause specific disease within said specific region in accordance with the results of said spectral analysis, and said specific region includes the infrared region.
  3. (Amended) The method according to claim 1 that determines whether or not said specimen is cancer.
  4. (Amended) The method according to claim 3, wherein one of the wave numbers of the spectra used as said indices is  $1261\text{ cm}^{-1}$ .

  
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5. (Amended) The method according to claim 1 that determines whether or not said cells have specific bacteria.
  6. (Amended) The method according to claim 5, wherein said specific bacteria are drug resistance bacteria.
  7. (Amended) The method according to claim 1 that determines whether or not said cells are infected by a specific virus.
  8. (Amended) An apparatus for diagnosing at least one of disease type and condition which comprises  
spectral analysis means that analyzes an absorption or emission spectrum in a specific region for cells obtained from a specimen, and  
diagnostic means that diagnoses at least one of disease type and condition using as indices the appearance of spectra corresponding to at least two wave numbers obtained by measuring an absorption or emission spectrum of cancer cells, bacteria or virus, which cells, bacteria or virus cause specific disease within said specific region in accordance with the results of the spectral analysis obtained with said spectral analysis means, and said specific region includes the infrared region.
  9. (Amended) A drug screening method comprising: analyzing an absorption or emission spectrum in a specific region for a target drug, and screening said target drug by using as indices the appearance of spectra corresponding to at least two wave numbers obtained by measuring an absorption or emission spectrum of cancer cells, bacteria or virus, which cells, bacteria or virus cause

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Q11 specific disease within said specific region in accordance with the results of said spectral analysis.

Q10 12. (Amended) The drug screening method according to claim 11, wherein the wave number of the spectra used as said indices is (at least one of)  $1261\text{ cm}^{-1}$  and  $1163\text{ cm}^{-1}$ .

Q11 16. (Amended) A drug screening apparatus comprising:  
spectral analysis means that analyzes the absorption or emission spectrum in a specific region for a target drug, and  
screening means that screens said target drug using as indices the appearance of spectra corresponding to at least two wave numbers obtained by measuring an absorption or emission spectrum of cancer cells, bacteria or virus, which cells, bacteria or virus cause specific disease within said specific region in accordance with the results of the spectral analysis obtained with said spectral analysis means.

Please add the following new claims:

Q12 17. (New) The method according to claim 3, wherein one of the wave numbers of the spectra used as said indices is  $1261.4\text{ cm}^{-1}$ .

18. (New) The method according to claim 17, wherein the other wave numbers of the spectra used as said indices is at least one wave number substantially equal to that selected from  $1163.1\text{ cm}^{-1}$ ,  $1168.8\text{ cm}^{-1}$ ,  $1203.6\text{ cm}^{-1}$ ,  $1211.3\text{ cm}^{-1}$ ,  $1224.7\text{ cm}^{-1}$ ,  $1257.5\text{ cm}^{-1}$ ,  $1290.3\text{ cm}^{-1}$  and  $1319.3\text{ cm}^{-1}$ .

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19. (New) The method according to claim 6, wherein the drug resistance bacteria is methicillin-resistant *Staphylococcus aureus* and the wave numbers of the spectra used as said indices are at least two wave numbers substantially equal to those selected from  $1076.2\text{ cm}^{-1}$ ,  $1195.8\text{ cm}^{-1}$ ,  $1234.4\text{ cm}^{-1}$  and  $1265.2\text{ cm}^{-1}$ .
20. (New) The method according to claim 7, wherein the virus is KOS virus and the wave numbers of the spectra used as said indices are wave numbers substantially equal to  $1105.1\text{ cm}^{-1}$  and  $1122.5\text{ cm}^{-1}$ .
21. (New) The method according to claim 1, wherein the at least two wave numbers are wave numbers appearing measured after death of the cells.
22. (New) The method according to claim 21, wherein said specimen is <sup>a</sup>virus and <sub>^</sub>the wave numbers of the spectra used as said indices are wave numbers substantially equal to  $1105.1\text{ cm}^{-1}$  and  $1122.5\text{ cm}^{-1}$ .
23. (New) The method according to claim 1, wherein the at least two wave numbers are wave numbers disappearing measured after death of the cells.
24. (New) The method according to claim 23, wherein said specimen is virus and the wave numbers of the spectra used as said indices are at least two wave numbers substantially equal to those selected from  $1037.6\text{ cm}^{-1}$ ,  $1055.0\text{ cm}^{-1}$ ,  $1068.5\text{ cm}^{-1}$ ,  $1103.2\text{ cm}^{-1}$ ,  $1209.3\text{ cm}^{-1}$ ,  $1232.4\text{ cm}^{-1}$  and  $1274.9\text{ cm}^{-1}$ .
25. (New) The apparatus according to claim 8 that determines whether or not said specimen is cancer.
26. (New) The apparatus according to claim 25, wherein one of the wave numbers of the spectra used as said indices is  $1261\text{ cm}^{-1}$ .

27. (New) The apparatus according to claim 8 that determines whether or not said cells have specific bacteria.
28. (New) The apparatus according to claim 27, wherein said specific bacteria are drug resistance bacteria.
29. (New) The apparatus according to claim 25, wherein one of the wave numbers of the spectra used as said indices is  $1261.4\text{ cm}^{-1}$ .
30. (New) The apparatus according to claim 29, wherein the other wave numbers of the spectra used as said indices is at least one wave number substantially equal to that selected from  $1163.1\text{ cm}^{-1}$ ,  $1168.8\text{ cm}^{-1}$ ,  $1203.6\text{ cm}^{-1}$ ,  $1211.3\text{ cm}^{-1}$ ,  $1224.7\text{ cm}^{-1}$ ,  $1257.5\text{ cm}^{-1}$ ,  $1290.3\text{ cm}^{-1}$  and  $1319.3\text{ cm}^{-1}$ .
31. (New) The apparatus according to claim 28, wherein the drug resistance bacteria is methicillin-resistant *Staphylococcus aureus* and the wave numbers of the spectra used as said indices are at least two wave numbers substantially equal to those selected from  $1076.2\text{ cm}^{-1}$ ,  $1195.8\text{ cm}^{-1}$ ,  $1234.4\text{ cm}^{-1}$  and  $1265.2\text{ cm}^{-1}$ .
32. (New) The apparatus according to claim 8 that determines whether or not said cells are infected by a specific virus.
33. (New) The apparatus according to claim 32, wherein the virus is KOS virus and the wave numbers of the spectra used as said indices are wave numbers substantially equal to  $1105.1\text{ cm}^{-1}$  and  $1122.5\text{ cm}^{-1}$ .
34. (New) The drug screening method according to claim 12, wherein one of the wave numbers of the spectra used as said indices is a wave number substantially equal to  $1261.4\text{ cm}^{-1}$  or  $1163.1\text{ cm}^{-1}$ .

35. (New) The drug screening method according to claim 34, wherein the other wave numbers of the spectra used as said indices is at least one wave number substantially equal to that selected from  $1168.8\text{ cm}^{-1}$ ,  $1203.6\text{ cm}^{-1}$ ,  $1211.3\text{ cm}^{-1}$ ,  $1224.7\text{ cm}^{-1}$ ,  $1257.5\text{ cm}^{-1}$ ,  $1290.3\text{ cm}^{-1}$  and  $1319.3\text{ cm}^{-1}$ .
36. (New) The drug screening method according to claim 14, wherein the drug resistance bacteria is methicillin-resistant *Staphylococcus aureus* and the wave numbers of the spectra used as said indices are at least two wave numbers substantially equal to those selected from  $1076.2\text{ cm}^{-1}$ ,  $1195.8\text{ cm}^{-1}$ ,  $1234.4\text{ cm}^{-1}$  and  $1265.2\text{ cm}^{-1}$ .
37. (New) The drug screening method according to claim 15, wherein the virus is KOS virus and the wave numbers of the spectra used as said indices are wave numbers substantially equal to  $1105.1\text{ cm}^{-1}$  and  $1122.5\text{ cm}^{-1}$ .
38. (New) The drug screening method according to claim 10, wherein the at least two wave numbers are wave numbers appearing measured after death of the cells.
39. (New) The drug screening method according to claim 38, wherein said specimen is virus and the wave numbers of the spectra used as said indices are wave numbers substantially equal to  $1105.1\text{ cm}^{-1}$  and  $1122.5\text{ cm}^{-1}$ .
40. (New) The drug screening method according to claim 10, wherein the at least two wave numbers are wave numbers disappearing measured after death of the cells.
41. (New) The drug screening method according to claim 40, wherein said specimen is virus and the wave numbers of the spectra used as said indices are at least

two wave numbers substantially equal to those selected from 1037.6  $\text{cm}^{-1}$ , 1055.0  $\text{cm}^{-1}$ , 1068.5  $\text{cm}^{-1}$ , 1103.2  $\text{cm}^{-1}$ , 1209.3  $\text{cm}^{-1}$ , 1232.4  $\text{cm}^{-1}$  and 1274.9  $\text{cm}^{-1}$ .

42. (New) The apparatus according to claim 16, wherein said specific region includes the infrared region.
43. (New) The apparatus according to claim 16 that determines whether or not said specimen is cancer.
44. (New) The apparatus according to claim 43, wherein one of the wave numbers of the spectra used as said indices is 1261  $\text{cm}^{-1}$ .
45. (New) The apparatus according to claim 16 that determines whether or not said cells have specific bacteria.
46. (New) The apparatus according to claim 45, wherein said specific bacteria are drug resistance bacteria.
47. (New) The apparatus according to claim 16 that determines whether or not said cells are infected by a specific virus.
48. (New) The apparatus according to claim 43, wherein one of the wave numbers of the spectra used as said indices is 1261.4  $\text{cm}^{-1}$ .
49. (New) The apparatus according to claim 48, wherein the other wave numbers of the spectra used as said indices is at least one wave number substantially equal to that selected from 1163.1  $\text{cm}^{-1}$ , 1168.8  $\text{cm}^{-1}$ , 1203.6  $\text{cm}^{-1}$ , 1211.3  $\text{cm}^{-1}$ , 1224.7  $\text{cm}^{-1}$ , 1257.5  $\text{cm}^{-1}$ , 1290.3  $\text{cm}^{-1}$  and 1319.3  $\text{cm}^{-1}$ .
50. (New) The apparatus according to claim 46, wherein the drug resistance bacteria is methicillin-resistant *Staphylococcus aureus* and the wave numbers of

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the spectra used as said indices are at least two wave numbers substantially equal to those selected from  $1076.2\text{ cm}^{-1}$ ,  $1195.8\text{ cm}^{-1}$ ,  $1234.4\text{ cm}^{-1}$  and  $1265.2\text{ cm}^{-1}$ .

51. (New) The apparatus according to claim 47, wherein the virus is KOS virus and the wave numbers of the spectra used as said indices are wave numbers substantially equal to  $1105.1\text{ cm}^{-1}$  and  $1122.5\text{ cm}^{-1}$ .
52. (New) A method for determining at least one of disease type and condition which comprises analyzing an absorption or emission spectrum in a specific region for cells obtained from a specimen, and determining at least one of the disease type and condition by using as indices the appearance of spectra corresponding to at least two wave numbers obtained by measuring an absorption or emission spectrum of cancer cells within said specific region in accordance with the results of said spectral analysis, said spectral analysis is an infrared spectral analysis and one of the wave numbers is about  $1261\text{ cm}^{-1}$  and the other is at least one wave number substantially equal to that selected from  $1163.1\text{ cm}^{-1}$ ,  $1168.8\text{ cm}^{-1}$ ,  $1203.6\text{ cm}^{-1}$ ,  $1211.3\text{ cm}^{-1}$ ,  $1224.7\text{ cm}^{-1}$ ,  $1257.5\text{ cm}^{-1}$ ,  $1290.3\text{ cm}^{-1}$  and  $1319.3\text{ cm}^{-1}$ .
53. (New) An apparatus for diagnosing at least one of disease type and condition which comprises
- spectral analysis means that analyzes an absorption or emission spectrum in a specific region for cells obtained from a specimen, and
- diagnostic means that diagnoses at least one of disease type and condition using as indices the appearance of spectra corresponding to at least two wave

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numbers obtained by measuring an absorption or emission spectrum of cancer cells within said specific region in accordance with the results of the spectral analysis obtained with said spectral analysis means, said spectral analysis is an infrared spectral analysis and one of the wave numbers is about  $1261\text{ cm}^{-1}$  and the other is at least one wave number substantially equal to that selected from  $1163.1\text{ cm}^{-1}$ ,  $1168.8\text{ cm}^{-1}$ ,  $1203.6\text{ cm}^{-1}$ ,  $1211.3\text{ cm}^{-1}$ ,  $1224.7\text{ cm}^{-1}$ ,  $1257.5\text{ cm}^{-1}$ ,  $1290.3\text{ cm}^{-1}$  and  $1319.3\text{ cm}^{-1}$ .

54. (New) A drug screening method comprising: analyzing an absorption or emission spectrum in a specific region for a target drug, and screening said target drug by using as indices the appearance of spectra corresponding to at least two wave numbers obtained by measuring an absorption or emission spectrum of cancer cells, bacteria or virus, which cells, bacteria or virus cause specific disease within said specific region in accordance with the results of said spectral analysis, said spectral analysis is an infrared spectral analysis and the target drug is at least one selected from the group consisting of an anti-cancer agent, an antibiotic and an anti-viral agent.
55. (New) A drug screening apparatus comprising:  
spectral analysis means that analyzes the absorption or emission spectrum in a specific region for a target drug, and  
screening means that screens said target drug using as indices the appearance of spectra corresponding to at least two wave numbers obtained by measuring an absorption or emission spectrum of cancer cells, bacteria or virus, which cells, bacteria or virus cause specific disease within said specific region in accordance

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